THE HONOURABLE SRI JUSTICE

B.SUDERSHAN REDDY

AND

THE HONOURABLE SRI JUSTICE

S.ANANDA REDDY

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WRIT PETITION No. 19946 of 2005

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Dated 14th September, 2005.

Between:

Smt.Jonnalagadda Usharani

-- Petitioner

And

Gajuwaka Municipality, represented by

its Commissioner and others. -- Respondents.

ORAL ORDER:

(per The Hon'ble Sri Justice B.Sudershan Reddy)

We have heard the learned counsel for the petitioner, Mr.Nageswar Reddy on behalf of the first respondent-Municipality, and, at their request, the matter is taken up for final disposal at the admission stage and no notice, as such, is required to the respondents 2 and 3 since no orders affecting their rights in any manner are being passed in this writ petition.

Rule nisi.

The impugned notice dated: 1.9.2005 issued by the first respondent-Municipality requiring the petitioner to submit her explanation within a period of three days is

challenged in this writ petition. The learned counsel for the petitioner, Sri C.S.Surya Prakash Rao, inter alia submits that the notice is contrary to the statutory rule, which enables filing of objections within 30 days from the date of service of notice. The learned counsel made an attempt to submit as to how there could be any modification in the property registers maintained by the respondent-Municipality.

We are not inclined to express any opinion, whatsoever as to whether there could be any change in the property/assessment registers, since the same is required to be decided by the first respondent authority providing an opportunity of being heard to both the petitioner as well as the respondents 2 and 3. Interests of Justice would be met by disposing of the writ petition by modifying the period mentioned in the notice as 30 days instead of 3 days. The petitioner shall be entitled to prefer her objections along with the documents within 30 days from the date of the receipt of impugned notice dated: 1.9.2005, which shall be duly received by the first respondent for consideration in accordance with law. The claim and counter claim of the petitioner as well as the respondents 2 and 3 shall be decided by the first respondent in accordance with law after providing an opportunity of being heard to both the parties. That a speaking order shall passed by the first respondent in accordance with law and the same shall be communicated to the petitioner as well as respondents 2 and 3. No costs.

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B.SUDERSHAN REDDY, J.

14.9.2005.

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S.ANANDA REDDY, J.

VR.

Note:

Issue cc in 2 days.

(BO)

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